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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 v.

12 ERIC MCBROOM,

13 Defendant.

3:21-CR-009-MMD-WGC

Preliminary Order of Forfeiture

14 This Court finds Eric McBroom pled guilty to Count One of a Two-Count Criminal
15 Indictment charging him in Count One with possession with the intent to distribute a
16 controlled substance in violation of 21 U.S.C. § 841(a)(1). Criminal Indictment, ECF No.
17 12; Change of Plea, ECF No. 28; Plea Agreement, ECF No. 29.

18 This Court finds Eric McBroom agreed to the forfeiture of the property set forth in
19 the Plea Agreement and the Forfeiture Allegations of the Criminal Indictment. Criminal
20 Indictment, ECF No. 12; Change of Plea, ECF No. 28; Plea Agreement, ECF No. 29.

21 This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United
22 States of America has shown the requisite nexus between property set forth in the Plea
23 Agreement and the Forfeiture Allegations of the Criminal Indictment and the offense to
24 which Eric McBroom pled guilty.

25 The following property is (1) any firearm or ammunition involved in or used in any
26 violation of any other criminal law of the United States, 21 U.S.C. § 841(a)(1); (2) any
27 property used, or intended to be used, in any manner or part, to commit, or to facilitate the
28 commission of violations of 21 U.S.C. § 841(a)(1); (3) any firearm used or intended to be

1 used to facilitate the transportation, sale, receipt, possession, or concealment of property
2 described in 21 U.S.C. § 881(a)(1) and (a)(2), in violation of 21 U.S.C. § 841(a)(1) and any
3 proceeds traceable to such property; or (4) any firearm or ammunition intended to be used
4 in any offense punishable under the Controlled Substances Act, 21 U.S.C. § 841(a)(1) and is
5 subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c); 21 U.S.C. §
6 853(a)(2); 21 U.S.C. § 881(a)(11) with 28 U.S.C. § 2461(c); and 18 U.S.C. § 924(d)(1),
7 (2)(C), and (3)(B) with 28 U.S.C. § 2461(c):

8 1. a RG Industries, Model RG-23, .22 caliber revolver bearing serial number
9 T603858; and

10 2. any and all compatible ammunition
11 (all of which constitutes property).

12 This Court finds that on the government's motion, the Court may at any time enter
13 an order of forfeiture or amend an existing order of forfeiture to include subsequently
14 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
15 32.2(b)(2)(C).

16 This Court finds the United States of America is now entitled to, and should, reduce
17 the aforementioned property to the possession of the United States of America.

18 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
19 DECREED that the United States of America should seize the aforementioned property.

20 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
21 rights, ownership rights, and all rights, titles, and interests of Eric McBroom in the
22 aforementioned property are forfeited and are vested in the United States of America and
23 shall be safely held by the United States of America until further order of the Court.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
25 of America shall publish for at least thirty (30) consecutive days on the official internet
26 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
27 describe the forfeited property, state the time under the applicable statute when a petition
28 contesting the forfeiture must be filed, and state the name and contact information for the

1 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
2 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
3 the government may instead serve every person reasonably identified as a potential claimant
4 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.
5 Rule G(4)(a)(i)(A).

6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
7 or entity who claims an interest in the aforementioned property must file a petition for a
8 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
9 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
10 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
11 right, title, or interest in the forfeited property and any additional facts supporting the
12 petitioner's petition and the relief sought.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
14 must be filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal
15 Building, 400 South Virginia Street, 3rd Floor, Reno, Nevada 89501, no later than thirty
16 (30) days after the notice is sent or, if direct notice was not sent, no later than sixty (60) days
17 after the first day of the publication on the official internet government forfeiture site,
18 www.forfeiture.gov.

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
20 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
21 Attorney's Office at the following address at the time of filing:

22 Daniel D. Hollingsworth
23 Assistant United States Attorney
24 James A. Blum
25 Assistant United States Attorney
26 501 Las Vegas Boulevard South, Suite 1100
27 Las Vegas, Nevada 89101.

26 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
27 described herein need not be published in the event a Declaration of Forfeiture is issued by
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1 the appropriate agency following publication of notice of seizure and intent to
2 administratively forfeit the above-described property.

3 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
4 copies of this Order to all counsel of record.

5 DATED July 7, 2021, 2021.

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MIRANDA M. DU
UNITED STATES DISTRICT JUDGE

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